

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BOBBY GOLDSTEIN
PRODUCTIONS, INC.,

Plaintiff,

v.

THOMAS L. HABEEB AND
ATVD, LLC D/B/A AMERICAN
TELEVISION DISTRIBUTION,

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

**PLAINTIFF'S ORIGINAL COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

Plaintiff Bobby Goldstein Productions, Inc. files this Original Complaint against Thomas ("Tommy") L. Habeeb and ATVD, LLC d/b/a American Television Distribution for copyright infringement.

THE PARTIES

1. Bobby Goldstein Productions, Inc. ("BGP") is a Texas corporation with a principal place of business at 4516 Lovers Lane, Suite 104, Dallas, TX 75225.

2. On information and belief, Tommy L. Habeeb is an individual residing in Texas. On information and belief, Tommy L. Habeeb may be served with process at his personal residence, 11484 Strait Lane, Dallas, Texas 75229.

3. On information and belief, ATVD, LLC d/b/a American Television Distribution was a Texas limited liability company having a principal place of business at 620 Exposition Ave., Dallas, Texas 75226. On January 29, 2016, ATVD, LLC d/b/a American Television Distribution's corporate privileges were forfeited by the Texas secretary of state for failure to file a franchise tax

report and/or pay franchise taxes. On information and belief, ATVD, LLC d/b/a American Television Distribution may be served with process through its registered agent, Tommy L. Habeeb, at 3317 McKinney Ave., Ste. 201, Dallas, Texas 75204.

4. On information and belief, Tommy L. Habeeb was the President of ATVD, LLC d/b/a American Television Distribution. Pursuant to Texas Tax Code §§ 171.252 and 171.255, Tommy L. Habeeb is personally liable for the acts and debts of ATVD, LLC d/b/a American Television Distribution alleged herein.

JURISDICTION AND VENUE

5. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, *et seq.*

6. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

7. This Court has personal jurisdiction over Defendants because Defendants' acts of infringement occurred in the state of Texas, Defendants' acts of infringement were directed toward the state of Texas, Defendants caused injury to Plaintiff within the state of Texas, and Defendants have a physical presence in the state of Texas.

8. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and 1400(a) because Defendants reside in this District and a substantial part of the acts and omissions giving rise to the claim occurred in this District.

FACTUAL ALLEGATIONS

9. *Cheaters* is one of the longest-running reality shows on television. *Cheaters* was created by Robert ("Bobby") N. Goldstein, the Director of BGP. Mr. Goldstein conceived of the idea for *Cheaters* in 1995 and shot the pilot a few years later. When Mr. Goldstein attempted to sell the *Cheaters* concept to executives in Hollywood, he was uniformly turned down. Undeterred,

Mr. Goldstein started his own production company and produced and shot *Cheaters* himself. *Cheaters* has run for at least 21 seasons with 330 episodes. Certain *Cheaters* episodes include content that was censored for broadcast television. *Cheaters Uncensored* is a television show comprised of uncensored footage from *Cheaters* episodes.

10. BGP applied for and secured the exclusive rights and privileges in and to the copyright of the *Cheaters* and *Cheaters Uncensored* episodes. BGP is the exclusive copyright holder to the following episodes of *Cheaters Uncensored* (the “Episodes”), which are registered with the United States Copyright Office and based upon preexisting content from copyrighted *Cheaters* episodes:

<i>Cheaters Uncensored</i> Title	<i>Cheaters Uncensored</i> Copyright No.	Based Upon Preexisting Content from <i>Cheaters</i> Title(s)	<i>Cheaters</i> Copyright No(s).
Cheaters Uncensored CH001 - Naked Mayhem.	PA0001616530	Cheaters : no. CH04414.	PA0001240580
Cheaters Uncensored : CH002, Casey Jones Frisky Affair.	PA0001616438	Cheaters : no. CH03401.	PA0001242893
Cheaters : CH003, Naked Rendezvous.	PA0001616444	Cheaters : no. CH03406.	PA0001240581
Cheaters : CH004, Ladies, Leather, and Lace.	PA0001616445	Cheaters show : CH 03321.	PA0001219307
Cheaters : CH005, Naked Tattoos.	PA0001616446	Cheaters : no. CH04415.	PA0001242906
Cheaters : CH006, Sex, Drugs & Lies.	PA0001616447	Cheaters : no. CH04501.	PA0001272220
Cheaters : CH007, Sexy Serenades.	PA0001616448	Cheaters : no. CH04506.	PA0001272228
Cheaters : CH008, Sex on Call.	PA0001616449	Cheaters : no. CH04505.	PA0001272229
Cheaters : CH009, Deplorable Desires.	PA0001616457	Cheaters : no. 06614.	PA0001344120
Cheaters : CH010, Busted, Nude, and Naughty.	PA0001616403	Cheaters : no. 05603.	PA0001344157

<i>Cheaters Uncensored Title</i>	<i>Cheaters Uncensored Copyright No.</i>	<i>Based Upon Preexisting Content from Cheaters Title(s)</i>	<i>Cheaters Copyright No(s).</i>
Cheaters : CH011, Red, Hot, and Naked.	PA0001616407	Cheaters : no. CH03403.	PA0001238311
Cheaters : CH012, Knock Down Affair.	PA0001616411	Cheaters : no. 05604.	PA0001344156
Cheaters : CH013, Dirty Naked Habits.	PA0001616412	Cheaters : no. 06622.	PA0001344163
Cheaters : CH014, Sinful Sex Triangle.	PA0001616414	Cheaters : no. 06622.	PA0001344163
Cheaters : CH015, Bad Medicine.	PA0001616416	Cheaters : CH06701.	PA0001637836
Cheaters : CH016, Love for Sale.	PA0001616418	Cheaters : no. CH05511.	PA0001272222
Cheaters : CH017, Big, Bad, and Busted.	PA0001616420	Cheaters : CH06703.	PA0001637846
Cheaters : CH018, Trashy Love Affair.	PA0001616422	Cheaters : no. CH04509.	PA0001272218
Cheaters : CH019, Mixed Up Mischief.	PA0001616437	Cheaters : no. CH03309.	PA0001130093
Cheaters : CH020, Hard Rock Threesome.	PA0001616440	Cheaters : CH06706.	PA0001637713
Cheaters : CH021, Switch Hitting Secrets.	PA0001616441	Cheaters : no. CH01209.	PA0001130347
Cheaters : CH022, Down and Dirty.	PA0001616443	Cheaters : no. CH04502.	PA0001272225
Cheaters : CH023, Freeloading Sex Scandal.	PA0001616460	Cheaters show : no. CH02306.	PA0001130185
Cheaters : CH024, Triple-Ex Betrayal.	PA0001616464	Cheaters : no. CH04508.	PA0001272226
Cheaters : CH071, Love Breakdown.	PA0001794861	Cheaters : no. CH05519.	PA0001283424
Cheaters : CH072, Cult of Lust.	PA0001794874	Cheaters : CH08906.	PA0001640840
Cheaters: 013.	PA0001792643	Cheaters : CH03315. Cheaters : no. CH01209.	PA0001391295 PA0001637718

<i>Cheaters Uncensored Title</i>	<i>Cheaters Uncensored Copyright No.</i>	<i>Based Upon Preexisting Content from Cheaters Title(s)</i>	<i>Cheaters Copyright No(s).</i>
Cheaters : 014, Naked Two-Timers.	PA0001792645	Cheaters : CH03315. Cheaters : CH06712.	PA0001391295 PA0001637718
Cheaters : 015, Caught Naked.	PA0001792646	Cheaters : no. CH04506. Cheaters : no. CH04505.	PA0001272228 PA0001272229
Cheaters : 016, Big Lust.	PA0001792617	Cheaters : no. CH03411. Cheaters : no. CH04417.	PA0001234364 PA0001240564
Cheaters : 017, Voyeurs & Victims.	PA0001792620	Cheaters : no. CH04413. Cheaters : no. CH04417.	PA0001234352 PA0001240564
Cheaters : 018, Sexy & Trashy.	PA0001792622	Cheaters : CH03319. Cheaters : no. CH03412.	PA0001391303 PA0001234366
Cheaters : PPV019.	PA0001793316	Cheaters show : no. CH02307. Cheaters : CH07721.	PA0001130184 PA0001637701
Cheaters : PPV020.	PA0001793315	Cheaters : no. CH04504. Cheaters show : no. CH02302.	PA0001272230 PA0001130182
Cheaters : 021, Backstabbing Vixens.	PA0001792647	Cheaters : CH06704. Cheaters : no. 06621.	PA0001637844 PA0001344122
Cheaters : 022, Passionate Affairs.	PA0001792651	Cheaters : no. CH04421. Cheaters : CH07806.	PA0001234241 PA0001637839
Cheaters : 023, Hot & Naughty Home Wreckers.	PA0001792650	Cheaters : show 06611. Cheaters : no. CH03401.	PA0001342545 PA0001242893
Cheaters : 024, Frisky Infidelity.	PA0001792649	Cheaters : no. CH05513. Cheaters : no. CH05522.	PA0001272219 PA0001283430
Cheaters Uncensored : PPV025.	PA0001822346	Cheaters show : no. CH02213. Cheaters : no. 06615.	PA0001130178 PA0001341510
Cheaters Uncensored : PPV026.	PA0001822350	Cheaters : CH06705. Cheaters : CH06710.	PA0001637755 PA0001637751

<i>Cheaters Uncensored Title</i>	<i>Cheaters Uncensored Copyright No.</i>	<i>Based Upon Preexisting Content from Cheaters Title(s)</i>	<i>Cheaters Copyright No(s).</i>
Cheaters Uncensored : PPV027.	PA0001819520	Cheaters : CH07808. Cheaters : CH07720.	PA0001637892 PA0001637711
Cheaters Uncensored : PPV028.	PA0001819516	Cheaters : no. CH04503. Cheaters : no. CH04414.	PA0001272221 PA0001240580
Cheaters Uncensored : PPV029.	PA0001822343	Cheaters : no. 05606. Cheaters : CH08822.	PA0001341512 PA0001637823
Cheaters Uncensored : PPV030.	PA0001822337	Cheaters : no. CH03411. Cheaters : no. CH04422.	PA0001234364 PA0001234365
Cheaters Uncensored : PPV031.	PA0001819517	Cheaters : CH08821. Cheaters : CH08822.	PA0001637727 PA0001637823
Cheaters Uncensored : PPV032.	PA0001819518	Cheaters : CH07716. Cheaters : CH07801.	PA0001637849 PA0001637723
Cheaters Uncensored : PPV033.	PA0001819519	Cheaters : no. 05608. Cheaters : CH08903.	PA0001344086 PA0001640850
Cheaters Uncensored : PPV034.	PA0001820187	Cheaters : CH08818. Cheaters : no. 05602.	PA0001637785 PA0001344158
Cheaters Uncensored : PPV035.	PA0001820186	Cheaters : CH07714. Cheaters : CH08902.	PA0001637833 PA0001640846
Cheaters Uncensored : PPV036.	PA0001822348	Cheaters : no. CH05519. Cheaters : CH08906.	PA0001283424 PA0001640840

11. The *Cheaters* and *Cheaters Uncensored* episodes are original motion pictures and audiovisual works under 17 U.S.C. § 101. Because each *Cheaters Uncensored* episode is based upon preexisting content from separately copyrighted *Cheaters* episodes, each *Cheaters Uncensored* episode constitutes a derivative work protected by 17 U.S.C. §§ 101–103.

12. On or before January 10, 2006, Mr. Goldstein provided Defendants with actual

notice that *Cheaters Uncensored* episodes would be based on copyrighted footage from *Cheaters* episodes and that, accordingly, *Cheaters Uncensored* episodes would be copyrighted works of BGP.

13. BGP has not granted Defendants a license to make copies of the Episodes on the Internet or to make the Episodes and/or derivative works thereof available for performance or display by the public on the Internet.

14. Although the Episodes were broadcast on various pay-per-view and premium channel outlets, BGP never authorized the upload of any of the Episodes or any derivative work thereof to any online streaming service.

15. YouTube LLC (“YouTube”) is an online video platform, which allows users to upload videos to its platform and makes those videos available for viewing by the public. On information and belief, YouTube stores videos uploaded by users on servers throughout the United States, including in this District.

16. On information and belief, Defendants created a YouTube channel under the username “americantvd.” On information and belief, sometime after October 3, 2005, and without Plaintiff’s knowledge or permission, Defendants created video trailers based upon the Episodes and uploaded and posted those trailers on the americantvd YouTube channel, which resulted in the creation of an unauthorized copy or copies of portions of the Episodes and/or derivative works thereof on YouTube’s servers in the United States and made portions of the Episodes and/or derivative works thereof available for viewing by members of the public via the following links (the “Infringing YouTube Works”):

YouTube Link	Title of Infringing YouTube Works	<i>Cheaters Uncensored</i> Title(s)
https://www.youtube.com/watch?v=ToQzUN3wDzU	CHEATERS UNCENSORED: Freaky & Promiscuous Uncensored	Cheaters: 013.
https://www.youtube.com/watch?v=5l0QJzc7evc	CHEATERS UNCENSORED: Strangers in the Night Uncensored	Cheaters : CH021, Switch Hitting Secrets. Cheaters : CH022, Down and Dirty.
https://www.youtube.com/watch?v=J7 - gloNDM	CHEATERS UNCENSORED: Don't Ask Don't Tell Uncensored	Cheaters : CH019, Mixed Up Mischief. Cheaters : CH020, Hard Rock Threesome.
https://www.youtube.com/watch?v=LHQ9xRNsvC8	CHEATERS UNCENSORED: Downtown Runaround Uncensored	Cheaters : CH017, Big, Bad, and Busted. Cheaters : CH018, Trashy Love Affair.
https://www.youtube.com/watch?v=ILr4XbDBH3U	CHEATERS UNCENSORED: Sinful Secrets	Cheaters : CH015, Bad Medicine. Cheaters : CH016, Love for Sale.
https://www.youtube.com/watch?v=LGU-3as73Do	CHEATERS UNCENSORED: Naughty Lover's Lane uncensored	Cheaters : CH013, Dirty Naked Habits. Cheaters : CH014, Sinful Sex Triangle.
https://www.youtube.com/watch?v=MVRuSvGMqFs	CHEATERS UNCENSORED: Naked Betrayals	Cheaters : CH009, Deplorable Desires. Cheaters : CH010, Busted, Nude, and Naughty.
https://www.youtube.com/watch?v=NVSINpcg-gI	CHEATERS UNCENSORED: Shameless Indiscretions Uncensored	Cheaters : CH011, Red, Hot, and Naked. Cheaters : CH012, Knock Down Affair.

YouTube Link	Title of Infringing YouTube Works	<i>Cheaters Uncensored</i> Title(s)
https://www.youtube.com/watch?v=AFdTvkM2Dmg	Cheaters Uncensored: Naked Trouble 60sec commercial	Cheaters : CH007, Sexy Serenades. Cheaters : CH008, Sex on Call.
https://www.youtube.com/watch?v=NLpxTA-2Tnk	Naked Knockdown Uncensored	Cheaters : CH011, Red, Hot, and Naked. Cheaters : CH012, Knock Down Affair.
https://www.youtube.com/watch?v=yypH4cvVxDc	Cheaters Uncensored: Naked Trouble 30sec commercial	Cheaters : CH007, Sexy Serenades. Cheaters : CH008, Sex on Call.
https://www.youtube.com/watch?v=VwjDrdONcVo	Cheaters: Outrageous Scandals Commercial 60sec	Cheaters : CH003, Naked Rendezvous. Cheaters : CH004, Ladies, Leather, and Lace.
https://www.youtube.com/watch?v=NdvSx_V02c8	Cheaters: Naked Lies Uncensored Commercial 30sec	Cheaters : CH005, Naked Tattoos. Cheaters : CH006, Sex, Drugs & Lies.
https://www.youtube.com/watch?v=fX0mLNY8VMY	Cheaters: Naked Lies Uncensored Commercial	Cheaters : CH005, Naked Tattoos. Cheaters : CH006, Sex, Drugs & Lies.
https://www.youtube.com/watch?v=ToQzUN3wDzU	CHEATERS: Outrageous Scandals Uncensored Alt	Cheaters : CH003, Naked Rendezvous. Cheaters : CH004, Ladies, Leather, and Lace.
https://www.youtube.com/watch?v=XXqgh-iLhGNM	CHEATERS: Naked Mayhem & Frisky Affair Uncensored Alt 30 sec	Cheaters Uncensored CH001 - Naked Mayhem. Cheaters Uncensored : CH002, Casey Jones Frisky Affair.

YouTube Link	Title of Infringing YouTube Works	<i>Cheaters Uncensored</i> Title(s)
https://www.youtube.com/watch?v=DnuKktqg64I	CHEATERS: Outrageous Scandals Uncensored Commercial	Cheaters : CH003, Naked Rendezvous. Cheaters : CH004, Ladies, Leather, and Lace.
https://www.youtube.com/watch?v=WKEVisU7eMk	CHEATERS: Naked Mayhem & Frisky Affair Uncensored Alt 60 sec	Cheaters Uncensored CH001 - Naked Mayhem. Cheaters Uncensored : CH002, Casey Jones Frisky Affair.
https://www.youtube.com/watch?v=rtSzRGOVcCo	CHEATERS: Naked Mayhem & Frisky Affair Uncensored	Cheaters Uncensored CH001 - Naked Mayhem. Cheaters Uncensored : CH002, Casey Jones Frisky Affair.

17. On information and belief, Defendants uploaded and posted the Infringing YouTube Works on YouTube with the intent and purpose of enabling, encouraging, and causing members of the public to view the Infringing YouTube Works. On information and belief, as a direct result of Defendants' uploading and posting of the Infringing YouTube Works on YouTube, members of the public in the United States actually viewed and/or downloaded the Infringing YouTube Works, resulting in an unauthorized reproduction, public performance, and/or public display of the Episodes under 17 U.S.C. §§ 106(1), 106(4), and 106(5). On information and belief, Defendants profited from their uploading and posting of the Infringing YouTube Works on YouTube because it resulted in additional views of *Cheaters Uncensored* on pay-per-view and premium channels.

18. Dailymotion is an online video platform, which allows users to upload videos to its platform and makes those videos available for viewing by the public. On information and belief, Dailymotion stores videos uploaded by users on servers in the United States.

19. On information and belief, Defendants created a Dailymotion account under the

username “American Television Distribution.” On information and belief, sometime after October 3, 2005, and without Plaintiff’s knowledge or permission, Defendants created video trailers based upon the Episodes and uploaded and posted those trailers using the American Television Distribution username on Dailymotion (the “Infringing Dailymotion Works”), which resulted in the creation of an unauthorized copy or copies of portions of the Episodes and/or derivative works thereof on Dailymotion’s servers in the United States and made portions of the Episodes and/or derivative works thereof available for viewing by members of the public via the following links (the “Infringing Dailymotion Works”):

Dailymotion Link	Title of Infringing Dailymotion Works	<i>Cheaters Uncensored</i> Title(s)
https://www.dailymotion.com/video/x2acg	CHEATERS: Naked Mayhem & Frisky Affair	Cheaters Uncensored CH001 - Naked Mayhem. Cheaters Uncensored : CH002, Casey Jones Frisky Affair.
https://www.dailymotion.com/video/x2ad2	CHEATERS: Outrageous Scandals Uncensored	Cheaters : CH003, Naked Rendezvous. Cheaters : CH004, Ladies, Leather, and Lace.

20. On information and belief, Defendants uploaded and posted the Infringing Dailymotion Works on Dailymotion with the intent and purpose of enabling, encouraging, and causing members of the public to view the Infringing Dailymotion Works. On information and belief, as a direct result of Defendants’ uploading and posting of the Infringing Dailymotion Works on Dailymotion, members of the public in the United States actually viewed and/or downloaded the Infringing Dailymotion Works, resulting in an unauthorized reproduction, public performance, and/or public display of the Episodes under 17 U.S.C. §§ 106(1), 106(4), and 106(5). On information and belief, Defendants profited from their uploading and posting of the Infringing

Dailymotion Works on Dailymotion because it resulted in additional views of *Cheaters Uncensored* on pay-per-view and premium channels.

21. On information and belief, Defendants own, operate, and control the website <http://americantvd.com> (the “ATVD website”). On information and belief, the ATVD website is hosted on one or more servers in the United States.

22. On information and belief, sometime after October 3, 2005, and without Plaintiff’s knowledge or permission, Defendants created video trailers and images based upon the Episodes and uploaded and posted those trailers and images on the ATVD website, which resulted in the creation of an unauthorized copy or copies of portions of the Episodes and/or derivative works thereof on the server(s) hosting the ATVD website in the United States, the unauthorized performance of portions of the Episodes on the ATVD website, the unauthorized display of individual images of the Episodes on the ATVD website, and made portions of the Episodes and/or derivative works thereof available for viewing by members of the public via the following links (the “Infringing ATVD Website Works”):

American Television Distribution Link	Title of Infringing Works	<i>Cheaters Uncensored</i> Title(s)
http://www.americantvd.com/cheaters/CHPPV001/	Cheaters: Naked Mayhem and Frisky Affairs, including Trailer 1, Trailer 2, Trailer 3, Trailer Uncensored, and various images	Cheaters Uncensored CH001 - Naked Mayhem. Cheaters Uncensored : CH002, Casey Jones Frisky Affair.
http://www.americantvd.com/cheaters/CHPPV002/	Cheaters: Outrageous Scandals, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH003, Naked Rendezvous. Cheaters : CH004, Ladies, Leather, and Lace.

American Television Distribution Link	Title of Infringing Works	<i>Cheaters Uncensored</i> Title(s)
http://www.american tvd.com/cheaters/CHPPV003/	Cheaters: Naked Lies Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH005, Naked Tattoos. Cheaters : CH006, Sex, Drugs & Lies.
http://www.american tvd.com/cheaters/CHPPV004/	Cheaters: Naked Trouble Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH007, Sexy Serenades. Cheaters : CH008, Sex on Call.
http://www.american tvd.com/cheaters/CHPPV005/	Cheaters: Naked Betrayals Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH009, Deplorable Desires. Cheaters : CH010, Busted, Nude, and Naughty.
http://www.american tvd.com/cheaters/CHPPV006/	Cheaters: Naked Knockdown Uncensored, including Trailer and various images	Cheaters : CH011, Red, Hot, and Naked. Cheaters : CH012, Knock Down Affair.
http://www.american tvd.com/cheaters/CHPPV007/	Cheaters: Naughty Lovers' Lane Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH013, Dirty Naked Habits. Cheaters : CH014, Sinful Sex Triangle.
http://www.american tvd.com/cheaters/CHPPV008/	Cheaters: Sinful Secrets Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH015, Bad Medicine. Cheaters : CH016, Love for Sale.

American Television Distribution Link	Title of Infringing Works	<i>Cheaters Uncensored</i> Title(s)
http://www.american tvd.com/cheaters/CHPPV009/	Cheaters: Downtown Runaround Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH017, Big, Bad, and Busted. Cheaters : CH018, Trashy Love Affair.
http://www.american tvd.com/cheaters/CHPPV010/	Cheaters: Don't Ask, Don't Tell Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH019, Mixed Up Mischief. Cheaters : CH020, Hard Rock Threesome.
http://www.american tvd.com/cheaters/CHPPV011/	Cheaters: Strangers In the Night Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH021, Switch Hitting Secrets. Cheaters : CH022, Down and Dirty.
http://www.american tvd.com/cheaters/CHPPV012/	Cheaters: Shameless Indiscretions Uncensored, including Trailer 1 (30 secs), Trailer 2 (30 secs), Trailer 3 (60 secs), Trailer Uncensored, and various images	Cheaters : CH023, Freeloading Sex Scandal. Cheaters : CH024, Triple-Ex Betrayal.
http://www.american tvd.com/cheaters/CHPPV013/	Cheaters: Freaky & Promiscuous Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters: 013.
http://www.american tvd.com/cheaters/CHPPV014/	Cheaters: Naked Two-Timers Uncensored, including Trailer 1, Trailer Uncensored, and various images	Cheaters : 014, Naked Two-Timers.

American Television Distribution Link	Title of Infringing Works	<i>Cheaters Uncensored</i> Title(s)
http://www.american.tv/d.com/cheaters/CHPPV015/	Cheaters: Caught Naked Uncensored, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : 015, Caught Naked.
http://www.american.tv/d.com/cheaters/CHPPV016/	Cheaters: Big Lust Uncensored, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : 016, Big Lust.
http://www.american.tv/d.com/cheaters/CHPPV017/	Cheaters: Voyeurs & Victims Uncensored, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : 017, Voyeurs & Victims.
http://www.american.tv/d.com/cheaters/CHPPV018/	Cheaters: Sexy & Trashy Uncensored, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : 018, Sexy & Trashy.
http://www.american.tv/d.com/cheaters/CHPPV019/	Cheaters: Lesbian Lies Uncensored, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : PPV019.
http://www.american.tv/d.com/cheaters/CHPPV020/	Cheaters: Naked Risks Uncensored, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : PPV020.
http://www.american.tv/d.com/cheaters/CHPPV021/	Cheaters: Backstabbing Vixens Uncensored, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : 021, Backstabbing Vixens.

American Television Distribution Link	Title of Infringing Works	<i>Cheaters Uncensored</i> Title(s)
http://www.american.tv/d.com/cheaters/CHPPV022/	Cheaters: Passionate Affairs Uncensored, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : 022, Passionate Affairs.
http://www.american.tv/d.com/cheaters/CHPPV023/	Cheaters: Hot & Naughty Home Wreckers, including Trailer 1 (30 secs), Trailer 2 (60 secs), Trailer Uncensored, and various images	Cheaters : 023, Hot & Naughty Home Wreckers.
http://www.american.tv/d.com/cheaters/CHPPV024/	Cheaters: Frisky Infidelity Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters : 024, Frisky Infidelity.
http://www.american.tv/d.com/cheaters/CHPPV025/	Cheaters: Erotic Excursions Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV025.
http://www.american.tv/d.com/cheaters/CHPPV026/	Cheaters: Horny Secrets Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV026.
http://www.american.tv/d.com/cheaters/CHPPV027/	Cheaters: Double Pleasure Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV027.
http://www.american.tv/d.com/cheaters/CHPPV028/	Cheaters: Sex And Run Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV028.

American Television Distribution Link	Title of Infringing Works	<i>Cheaters Uncensored</i> Title(s)
http://www.american.tv/d.com/cheaters/CHPPV029/	Cheaters: Kinky Hot Tubs Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV029.
http://www.american.tv/d.com/cheaters/CHPPV030/	Cheaters: Cold Hearted Sex Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV030.
http://www.american.tv/d.com/cheaters/CHPPV031/	Cheaters: Naughtiest Maximus Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV031.
http://www.american.tv/d.com/cheaters/CHPPV032/	Cheaters: Bad Medicine Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV032.
http://www.american.tv/d.com/cheaters/CHPPV033/	Cheaters: Cops & Nudity Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV033.
http://www.american.tv/d.com/cheaters/CHPPV034/	Cheaters: Dirty Secret Valentine Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV034.
http://www.american.tv/d.com/cheaters/CHPPV035/	Cheaters: Dysfunctional Affair Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV035.

American Television Distribution Link	Title of Infringing Works	<i>Cheaters Uncensored</i> Title(s)
http://www.americanatvd.com/cheaters/CHPPV036/	Cheaters: Unholy Rendezvous Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters Uncensored : PPV036.
http://www.americanatvd.com/cheaters/CHPPV037/	Cheaters: Backdoor Dominatrix Uncensored, including Trailer 1 (30 secs), Trailer Uncensored, and various images	Cheaters : CH071, Love Breakdown. Cheaters : CH072, Cult of Lust.

23. On information and belief, Defendants uploaded and posted the Infringing ATVD Website Works on the ATVD website with the intent and purpose of enabling, encouraging, and causing members of the public to view the Infringing ATVD Website Works. On information and belief, as a direct result of Defendants' uploading and posting of the Infringing ATVD Website Works on the ATVD website, members of the public in the United States actually viewed and/or downloaded the Infringing ATVD Website Works, resulting in an unauthorized reproduction, public performance, and/or public display of the Episodes under 17 U.S.C. §§ 106(1), 106(4), and 106(5). On information and belief, Defendants profited from their uploading and posting of the Infringing ATVD Website Works on the ATVD website because it resulted in additional views of *Cheaters Uncensored* on pay-per-view and premium channels.

24. On information and belief, Defendants knew, were willfully blind, or acted in reckless disregard of the fact that (1) the Episodes were derivative works of *Cheaters* episodes and that the Episodes were copyrighted when Defendants uploaded and posted the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works on YouTube, Dailymotion, and the ATVD website, (2) Defendants' uploading, posting, performance, and/or display of the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD

Website Works on YouTube, Dailymotion, and the ATVD website constituted infringement of Plaintiff's copyrights in and to the Episodes, and (3) Defendants' conduct induced, encouraged, and caused YouTube, Dailymotion, and members of the public to infringe Plaintiff's copyrights in and to the Episodes and materially contributed to that copyright infringement.

25. At all times, Defendants had the ability to remove, or cause to be removed, the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works from YouTube, Dailymotion, and the ATVD website. On April 21, 2021, counsel for BGP issued a take-down notification letter to Defendants pursuant to Section 512 of Title 17 of the U.S. Code as enacted by the "Online Copyright Infringement Liability Limitation Act" as part of the Digital Millennium Copyright Act. Despite having actual notice of their copyright infringement, Defendants did not remove the Infringing ATVD Website Works from the ATVD website until approximately May 12, 2021, and did not remove the Infringing YouTube Works and Infringing Dailymotion Works from YouTube and Dailymotion until approximately July 5, 2021.

26. This complaint does not address any claims that existed against Defendants as of October 3, 2005.

COUNT I (COPYRIGHT INFRINGEMENT)

27. Plaintiff incorporates paragraphs 1–26 herein by reference.

28. By uploading and posting the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works on YouTube, Dailymotion, and the ATVD website and causing the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works to be reproduced on YouTube's, Dailymotion's, and the ATVD website's servers in the United States, Defendants committed acts of copyright infringement in violation of 17 U.S.C. § 501(a).

29. By publicly performing and publicly displaying the Infringing ATVD Website

Works on the ATVD website, Defendants committed additional acts of copyright infringement in violation of 17 U.S.C. § 501(a).

30. Plaintiff did not consent to, authorize, permit, or allow in any manner Defendants' reproduction, public performing, and/or public displaying of the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works on YouTube, Dailymotion, and the ATVD website.

31. On information and belief, Defendants reproduced, publicly performed, and/or publicly displayed the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works on YouTube, Dailymotion, and the ATVD website with actual knowledge, willful blindness, and/or reckless disregard for the fact that they did not have permission or license to use the Episodes and/or derivative works of the Episodes in that manner.

32. As a result of Defendants' violations of Title 17 of the U.S. Code, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. § 504(b), or statutory damages in an amount up to \$150,000.00 for each act of direct infringement pursuant to 17 U.S.C. § 504(c).

33. As a result of Defendants' violations of Title 17 of the U.S. Code, the Court in its discretion may allow Plaintiff to recover its full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendants.

34. Plaintiff is also entitled to injunctive relief to prevent or restrain future infringement of its copyrights pursuant to 17 U.S.C. § 502.

COUNT II (CONTRIBUTORY COPYRIGHT INFRINGEMENT)

35. Plaintiff incorporates paragraphs 1–34 herein by reference.

36. On information and belief, Defendants knew or acted with willful blindness and/or reckless disregard for the fact that YouTube, Dailymotion, and members of the public in the United States infringed Plaintiff's copyrights in and to the Episodes by reproducing, publicly performing,

and/or publicly displaying the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works.

37. On information and belief, Defendants actively induced, caused, and materially contributed to the infringement of Plaintiff's copyrights in and to the Episodes by YouTube, Dailymotion, and members of the public who copied, performed, and/or displayed the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works.

38. Defendants engaged in their acts of contributory copyright infringement with knowledge, willful blindness, and/or reckless disregard to Plaintiff's copyrights in and to the Episodes.

39. As a result of Defendants' contributory copyright infringement, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. § 504(b), or statutory damages in an amount up to \$150,000.00 for each act of direct infringement pursuant to 17 U.S.C. § 504(c).

40. As a result of Defendants' contributory copyright infringement, the Court in its discretion may allow Plaintiff to recover its full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendants.

41. Plaintiff is also entitled to injunctive relief to prevent or restrain future infringement of its copyrights pursuant to 17 U.S.C. § 502.

COUNT III (VICARIOUS COPYRIGHT INFRINGEMENT)

42. Plaintiff incorporates paragraphs 1–41 herein by reference.

43. Defendants are vicariously liable for the acts of copyright infringement by YouTube, Dailymotion, and members of the public in the United States who copied, performed, or displayed the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works.

44. On information and belief, Defendants profited from the acts of copyright

infringement by YouTube, Dailymotion, and members of the public in the United States who copied, performed, and/or displayed the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works.

45. Defendants had the right and ability to stop or limit the acts of copyright infringement by YouTube, Dailymotion, and members of the public in the United States who copied, performed, and/or displayed the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works, but failed to do so.

46. As a result of Defendants' vicarious copyright infringement, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. § 504(b), or statutory damages in an amount up to \$150,000.00 for each act of direct infringement pursuant to 17 U.S.C. § 504(c).

47. As a result of Defendants' vicarious copyright infringement, the Court in its discretion may allow Plaintiff to recover its full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendants.

48. Plaintiff is also entitled to injunctive relief to prevent or restrain future infringement of its copyrights pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and relief as follows:

- For a finding that Defendants willfully, contributorily, and vicariously infringed Plaintiff's copyright interest in and to the Episodes and/or derivative works thereof by reproducing, publicly performing, and/or publicly displaying the Infringing YouTube Works, Infringing Dailymotion Works, and Infringing ATVD Website Works without a license or consent.
- For an award of actual damages and disgorgement of all profits attributable to the infringement as provided by 17 U.S.C. § 504 in an amount to be proven or, in the

alternative, at Plaintiff's election, an award for statutory damages against Defendants in an amount up to \$150,000.00 for each direct infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;

- For an injunction preventing Defendants from further infringement of all copyrighted works of Plaintiff pursuant to 17 U.S.C. § 502;
- For costs of litigation and reasonable attorney's fees against Defendants pursuant to 17 U.S.C. § 505;
- For pre-judgment interest as permitted by law; and
- For any other relief the Court deems just and proper.

Dated: August 18, 2021

Respectfully submitted,



Jeffrey R. Bragalone
Texas Bar No. 02855775
Daniel F. Olejko
Texas Bar No. 24108897
Hunter S. Palmer
Texas Bar No. 24080748
BRAGALONE OLEJKO SAAD PC
2200 Ross Ave., Ste. 4600W
Dallas, Texas 75201
Tel: (214) 785-6670
Fax: (214) 785-6680
jbragalone@bosfirm.com
dolejko@bosfirm.com
hpalmer@bosfirm.com

***Counsel for Plaintiff
Bobby Goldstein Productions, Inc.***